

ESTTA Tracking number: **ESTTA550891**

Filing date: **07/29/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171281
Party	Defendant Jarrow Formulas, Inc.
Correspondence Address	MARK D GIARRATANA MCCARTER & ENGLISH LLP CITYPLACE I, 185 ASYLUM STREET HARTFORD, CT 06103 UNITED STATES mgiarratana@mccarter.com, dewen@mccarter.com, jwhitney@mccarter.com, hartforddocketing@mccarter.com, sschlesinger@mccarter.com
Submission	Other Motions/Papers
Filer's Name	David Ewen
Filer's e-mail	dewen@mccarter.com, mgiarratana@mccarter.com, jwhitney@mccarter.com, hartforddocketing@mccarter.com
Signature	/David Ewen/
Date	07/29/2013
Attachments	Notice of Incorrect Filing (final).pdf(12071 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PomWonderful LLC	)	Opposition (Parent) No.: 91171281
	)	
Opposer,	)	
	)	
v.	)	Marks and Related (Consolidated) Proceedings:
	)	Opp. No. 91171281 (Parent) re
Jarrow Formulas, Inc.,	)	Opp. No. 91191283 re POME GREAT
	)	Opp. No. 91171284 re POMESYNERGY
	)	Opp. No. 91173117 re POMOPTIMIZER
Applicant.	)	Opp. No. 91173118 re POMGUARD
	)	Opp. No. 91186414 re POMEZOTIC
	)	Opp. No. 91191995 re PRICKLYPOM
	)	Opp. No. 91194226 re POM and
	)	

---

**NOTICE OF INCORRECT FILING AND REQUEST TO  
WITHDRAW DOCKET ENTRY NOS. 75 & 76**

On July 28, 2013, Applicant Jarrow Formulas, Inc. (“JFI”) filed confidential and public versions of a “Highly Confidential Consent Motion for Extension of All Deadlines for Two Months and Detailed Progress Report” (D.E. ## 75 & 76) (hereafter, the “Filings”). JFI hereby notifies the Board that, for the reasons specified below, the Filings were incorrectly made, and JFI therefore requests that the Filings be withdrawn so that the corrected and proper documents may be filed with the Board.

Opposer PomWonderful LLC (“PomWonderful”) had prepared, and requested JFI’s consent to a draft Consent Motion for Extension of All Deadlines for Two Months and Detailed Progress Report, PomWonderful provided the draft motion to JFI for its consent, and the parties exchanged drafts of that motion. On July 26, 2013, the parties agreed on the final form of that motion, which was to be made by PomWonderful with JFI’s consent. As PomWonderful’s counsel was unable to file that motion itself, counsel for JFI agreed as a courtesy to file it for PomWonderful. However, due to a misunderstanding by the filing attorney, the documents that

JFI filed with the Board – i.e., the Filings – incorrectly styled the motion as being made by JFI with PomWonderful’s consent. As discussed above, the Filings should have identified PomWonderful as the moving party, and JFI as the consenting party.

Therefore, JFI respectfully requests that the Filings be withdrawn and be given no consideration. JFI will file confidential and public versions of the corrected motion, as agreed-upon by the parties, for the Board’s consideration.

Respectfully submitted:

DATED: July 29, 2013

MCCARTER & ENGLISH, LLP

By: /David Ewen/  
Mark D. Giarratana, Esq.  
David Ewen, Esq.  
MCCARTER & ENGLISH, LLP  
CityPlace I  
185 Asylum Street  
Hartford, CT 06103  
mgiarratana@mccarter.com  
dewen@mccarter.com  
Tel. (860) 275-6700  
Fax (860) 724-3397

**CERTIFICATE OF SERVICE**

I, David Ewen, hereby certify that a copy of **NOTICE OF INCORRECT FILING AND REQUEST TO WITHDRAW DOCKET ENTRY NOS. 75 & 76** has been served upon attorneys for Applicant via email, as agreed to by the parties:

Danielle M. Criona, Esq.  
ROLL LAW GROUP P.C.  
11444 West Olympic Blvd.  
Los Angeles, California 90064  
dcriona@roll.com

Date: July 29, 2013

By: */David Ewen/*

---

David Ewen, Esq.  
McCarter & English, LLP  
CityPlace I  
185 Asylum Street  
Hartford, CT 06103  
Tel.: (860) 275-6733  
Fax: (860) 724-3397